App. F. IX-4

1935.
(Law)

File No. 133-35

Serial Nos. 1-2

Previous References
B. 84-32-1-6

Letter References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for April 1936.

SUBJECT.

Legal opinion in the matter of payment of interest accrued on Govt-Hemavati Bonds for Rs 20,000/- held by Mr D. Channabasappa Setty

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Sl. 2 To the Comptroller
No. F 6555 dt 9. 4. 36

WD 03607—GPB—22,500—2-8-35

Forwards copy of Govt. Advocate's opinion for necessary further action

5. 5. 36

4193 (1

General and Revenue
Secretariat

Law File No. 133 of 1935 [App. F. III—2

Serial No.

From,

The Comptroller

no. SB. 311 d 2.1.36 soliciting legal opinion in the matter of payment of interest accrued on Goroor Hemavati Debenture bonds for Rs 20,000/- issued in the name of late Mr. D. Chennabasappa Setty

It is stated that the heirs are demanding payment of interest on the strength of a succession certificate obtained from the Dt. Judge. Mysore. If appd. a Copy of the succn. certificate will be called for, for refce. in the first instance

TSD
13/1

Yes
PNE
15/1

Dft put up

TSD
15/1

Issue
PNE
16/1

Issued no. P. 4745 d 4.1.36

From,

The Comptroller

no. 397/SB d 15.2.36 forwarding a Copy of the Succn. certificate granted to the legal heirs of late Mr. Chennabasappa.

16 JAN 1935
GENERAL

Sub A
27/1

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—13-7-35

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Law File No. 133 of 1935.

General and Revenue Secretariat

The Succession Certificate granted by the Dist. Judge Mysore empowers the heirs of the deceased to collect the interest or dividends on the bonds mentioned therein. There is therefore no necessity to insist upon a separate Extension certificate for payment of interest. If app'd. the Comptroller will be informed accordingly,

TSD. 15/2

No extension certificate is necessary for collecting interest due after date of appln. But interest accrued till date of appln ought to be included in the certificate. If not an extension will be necessary. Please verify on this point & note

NM 19/2

The Succession Certificate now granted is to collect the debts outstanding on the 4 bonds of Rs 5000/- each. No interest seems to have been included under Column (2) of the certificate. A separate Extension certificate for recovery of interest on those bonds appears necessary.

TSD 24/2

Is the certificate obtained one ~~for~~ in respect of a debt or security. Please see Sec 3, Succn certificate Regn & also art 12 Sch I Ct fee Regn & note

NM 13/3.

5766 (3

General and Revenue
Secretariat

Law File No. 133 of 1935 [App. F. III—2

Serial
No.

The certificate obtained is in respect of the debenture bonds of Rs 20,000 ~~and~~ which comes under security as defined in sec 3 of the S.C. Regn. 1901. According to note 1 of Art. 12 Sch I of Ct. fee Regn the amount of a debt is its amount including interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained. Column (2) of the certificate granted mentions "including interest on the date of the applt. for certificate". The petitioners have applied for a certificate on 4.7.33. They are therefore entitled to receive interest accruing after that ~~of that~~ date without any extension certificate. But extension certificate is necessary to receive interest ~~accrued subsequent~~ up to 4.7.33.

TSD
16/3

The debenture bonds in question are "Security" within the meaning of sec 3 of the Succession Certificate Regn and consequently the Court fee payable under art 12. Sch I of the Ct fee Regn must be on the market value of the Securities on the date of application for such a certificate. The form of certificate is to be ~~in the form~~ the one prescribed for "securities" in the Succession Certificate

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

Regulation. It is clear from this form that once the value of the Security is ~~fixed~~ ascertained, question of interest accruing after or before the date of appl^n does not arise.

It is a pity* that in this case both the petitioners and the Court have treated the bonds as debts and not as securities and consequently the Succ^n certificate issued does not empower negotiation of the securities and uses the form prescribed for debts. Ignoring this. But even so, it is only for the principal amount due under the bonds that the certificate is framed and the interest due till date of appl^n has not been added on to this principal, even though the heading of the column in the certificate clearly indicates this. Under these circumstances, only two courses are open, namely:-

1) The parties may apply to the Court and get the certificate amended so as to make it applicable

* unless is lawyer for a period of 6 years or one serves in the General & Revenue Secretariat unless one serves for a period of 5 years no appointment of a magistracy or of a munsiff will be given.

12.8.1946

to the securities in question and this will involve their paying the extra fee that may be required on the difference between the market value & the face value of these bonds on the date of application

Or (2) The parties may be allowed to obtain an extension certificate for the interest which had accrued till the date of appl^n^ i.e. till 4 July 1933. The certificate now obtained may be accepted so far as the principal amount plus the interest accruing after 4-7-33 ~~are~~ is concerned

O.No.p 163 of 35
17-3-36

Adv. 814/35-36
of 17.3.36

Forwarded with compts to the Govt advocate for favour of advice.

26/3/36

[illegible] /35-36

GENERAL SECRETARIAT
26 MAR 1936

Returned with compliments.

The Certificate now obtained - which is however not in the file - is stated to entitled the party to collect the principal amount covered by the bond and future interest thereon. The party should have - included in his application for the certificate the interest that had accrued due till then. Since that

was not

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Law File No. 133 of 1935.

General and Revenue Secretariat

was not done the easiest way for the party to make up this defect now is to apply for an extension of the certificate so as to cover the interest now claimed.

The party may I think be called upon to do so.

Government Advocate.

CSN/25.3.36

Draft reply accordingly

26/3/36.

Dft subd

TSD 27/3

For perusal before issue

(Fin Br)

27.3.36

FINANCIAL BRANCH
4003
28 MAR 1936
GENL & REV. SECT.

For perusal before returning file.

(Fl Secy) 28/3/36.

28/3

28/3.

30/3/36.

[illegible] septtwy

TYPING SECTION
1. APR. 1936
GENL & REV. SECTT.

Issue

30/3

To,

the Comptroller

no. F. 6755 d 4.4.36 forwarding a copy of the G. Adv's opinion

B

6/4

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41-3 / pd 238 (1

In reply please quote reference
to No. S.B.311 In one file

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

Bangalore, dated 2nd January *193*

Law 133-35-1

FROM

A. N. RAGHAVACHAR, ESQ., M.A.,
*Comptroller to the Government of
His Highness the Maharaja of Mysore,
Bangalore.*

TO

M. Venkatesa Iyengar Esq., M.A.,
General Secretary to the Government of Mysore,
Bangalore

GENERAL SECRETARIAT
6 JAN. 1936
Law

SIR,

I have the honor to forward herewith the file of this office regarding the payment of interest accrued on Goroor Hemavathi Debenture bonds for Rs 20,000/- issued in the name of ~~Date~~ late Mr. D. Chennabasappa Setty and to state that the interest accrued from time to time has been withdrawn and credited to Savings Bank Account No.3558 in the Hassan District Treasury by the President, Hassan District Board, The sum so accrued amounts to Rs 13,378-11-5 on 30-6-1935. The legal heirs of the investor intimate that a Succession Certificate in accordance with letter No.L.4753/L.B.84-32-6 dated 18th/23-1-1933 from the General Secretary has been obtained from the District Judge, Mysore, for the transfer of the Debenture Bonds for Rs 20,000/- and claim in addition payment of the interest in the Savings Bank Account. The legal advisers of these heirs contends that the production of the Succession Certificate empowers the collection of the interest even though stamp duty is not paid on the same and also that the amount belongs to an undivided Hindu family under Mithkshara Law under which exemption of stamp duty can be claimed. This office has been insisting in all such cases on the production of an Extension Certificate under Section 8 of the Savings Bank Act of 1873 as amended in Regulation No.1 of 1920.

Cr

I request that orders of Government with the opinion of the Law Department may kindly be communicated as to whether the existing procedure has to be continued or not and whether the amount in Savings Bank Account could be paid without the production of such a certificate in the instance in point.

I have the honor to be,
Sir,
Your most obedient servant,

A. S. Raghavach
Comptroller

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Pillai.
2.1

CV

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

5166/p

In reply please quote reference
to No. 397/SB. Enclosure one.

COMPTROLLER'S OFFICE, BANGALORE,

Dated the 15th February *193*6.

M. Venkatesa Iyengar, Esq., M.A.,
General Secretary to Government of Mysore,
BANGALORE.

Sir,

In continuation of this office No.369 S.B. dated 5-2-36, I have the honour to forward herewith a copy of the succession certificate granted to the legal heirs of late Mr. Chennabasappa Setty as desired in your letter No.P4745/Law 133-35 dated 21st January 1936.

I have the honour to be,
Sir,
Your most obedient servant,
A. Raghavan
Comptroller.
15/2

M. J.

Stamped papers 6 of 100/- each.

14

Succession certificate.

In the Court of the District Judge, Mysore Division.

Mis.Case No.1 of 33-34.

1. Siddanna, aged about 22 years.
2. D.Chikkanna, aged about 19 years.
3. D.Chikkabasappa,
4. D.Doddabasappa aged about 14 years.
5. D.Channabasappa aged about 12 years.
6. D.Sivappa aged about 12 years.

all sons of late Chennabasappasetti, 3,4,5 and 6 minors by guardian D.Sakamma, caste Bile Hagga, Coorg.

Whereas you applied on the 4th day of July 33 for a certificate under the succession certificate Regulation 1901, in the matter of the estate of Chennabasappasetti deceased, in respect of the following debts and securities namely:

Debts.

S.No.	(1) Name of debtor.	(2) Amount of debt, including interest on date of application for certificate.	(3) Description & date of instrument, if any, by which the debt is secured.
1.	District Board, Hassan	Rs.5000/-	No.64 of the Bond known as Gorur-Hemavathi Debenture loan of Hassan District Board.
2.		5000/-	No.65.
3.		5000/-	No.66
4.		5000/-	No.67 " "

This certificate is accordingly granted to you and empowers you to collect those debts and (1) to receive interest or dividends on.

Dated this 15th day of November 1933.

Sd. C.Narayanaswami Naidu,
District Judge.

-- Copy --

M.C. Krishnaswamy Naidu
17/12/36
Superintendent

Compared 15/12.

E. S. Brereton

(5

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. D-6555 (Ex. Gen. 176)   Dated, Bangalore, 1st April 1936
9

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Comptroller to the Government of Mysore,
Bangalore.

Sir,

With reference to the correspondence ending with your letter No.399/SB. dated 15th February 1936 soliciting legal opinion in the matter of payment of interest accrued on Gorur Hemavati bonds for Rs.20,000 held in the name of the late Mr. D. Chennabasappa Setty, I am directed to forward herewith a copy of the Government Advocate's opinion in the matter and to request that necessary further action may be taken accordinly.   F.k of papers sent is [illegible]

I have the honor to be,
Sir,
Your most obedient servant,

for General Secretary to Government

Als.2.

C6

Appendix F G—1]

SUBJECT..

Section Law

File No. 133-35

Serial No. 2

No. G. - 6553/Gen 2 (File)

To

The Comptroller to Govt

Diary No. of letter replied to..........

General and Revenue Secretariat

( )

the 193 .

Date of issue 9/4/36

Signed by

List of enclosures..........

Copied by..........

Examined by..........

Sir,

I have reference to the Correspondence ending with your letter no. 397/SB. d 15.2.36 soliciting legal opinion in the matter of payment of [illegible] [illegible] interest accrued on Govt Hemavati bonds for Rs 20,000 held in the name of the late Mr. D. Channabasappa Setty, I am directed to forward herewith a copy of the Govt. AD's opinion in the matter and to request that necessary further action may be taken accordingly. The file of papers sent is herewith returned.

I have etc

WD 03601—GPB—30,000—23-9-35

MNC 3/7

For Genl Secy
TSD